

RECEIVED
CENTRAL FAX CENTER

AUG 08 2006

5

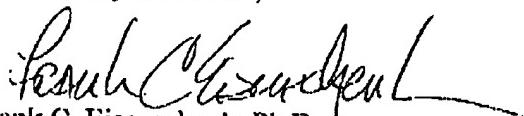
Docket No. UF-167XC3D2
Serial No. 10/722,077Remarks

Claims 1-6 and 8-16 are pending in the subject application. By way of the response of this date, Applicants hereby elect, with traverse, Group 1 (claims 1-6, in part), drawn to nucleic acids encoding the polypeptide of SEQ ID NO: 26. Claims 1-6, 15, and 16 read on the elected invention. Claims 1, 3, 6, 8, 10, 11, 13, and 14 have been amended and new claims 15 and 16 are now presented. Support for the amendments to the claims and the new claims can be found, for example, at page 18, paragraph 2. Favorable consideration of the claims in view of this response, and in view of the remarks set forth herein, is earnestly solicited.

Applicants respectfully request rejoinder of the inventions related to the claimed polynucleotide and methods of using said polynucleotide on the basis of Patent Office policy related to the treatment of product and process claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b) at such time as the claims currently elected are found allowable. As the Examiner will note, the method claims (8-14) have been amended to be dependent upon independent claim 1 of the elected group.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,


Frank C. Eisenschenk, Ph.D.
Patent Attorney
Registration No. 45,332
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

FCI/si

JAU/P167XC3DXAmend-Resp/Election.dox/DNB&I